



January 6, 2012

VIA E-MAIL AND REGULAR MAIL

Derrick R. Frejomil, Esq.
Riker, Danzig, Scherer, Hyland & Perretti LLP
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RE: Dare Investments, LLC v. Chicago Title Ins. Co. and Horizon Title Agency, Inc.
Docket No. 10-6088

Dear Mr. Frejomil:

This correspondence responds to your December 2, 2011 and January 3, 2012 correspondence regarding LeClairRyan's document and witness production. First and foremost, I reiterate that in 2007, and now again in 2011 and 2012, we spent considerable time, effort and expense responding to your document requests for the Dare Investments, LLC ("Dare") matter, a matter to which we are a non-party. Those efforts, which covered both pre- and post-closing documents, included:

1. A 2007 multi-attorney review of our files;
2. The 2007 production of documents bates-stamped DI000001-3547;¹
3. Opening our files, on July 16, 2007, to your firm's inspection;
4. An October/November 2011 reconstruction of our 2007 document production;
5. An October/November 2011 second review of our files; and
6. A December 2011 third review of our files.

¹ The correct range of bates-stamped numbers is DI000001-3547, rather than DI000001-3567.

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Paul D. Drobbin \ Attorney in Charge, Newark Office \ LeClairRyan is a Virginia Professional Corporation

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Regarding the privileged documents, as set forth in 2007 and again on November 15, 2011, the only documents withheld for privilege were DI002568-2602, DI002610-11, DI002614-42 and DI002644-48, and after additional review of these documents we still deemed them privileged and not subject to production. However, to assuage your concerns, I dedicated a paralegal and Associate to develop a more detailed privilege log for those documents ("Log"). See Log, enclosed herein. Subsequent to developing the Log, I received, from Dare counsel and you, multiple and conflicting communications regarding whether Dare has in fact waived its attorney-client privilege.² Accordingly, I cannot produce any attorney-client privileged documents unless and until such time as I receive a signed Court Order regarding the issue.³

Similarly, and then subject to that Order, we will produce Mr. Galante for deposition in our Newark office at a mutually convenient time, and at a rate of \$250.00 per hour for his time involved in the deposition process.⁴ Regarding Mr. Williams' deposition, Mr. Williams is in the hospital and I am unaware of the date when he will be getting out. Feel free to call me regarding the scheduling of the depositions.

Finally, in my November 15, 2011 correspondence to you I assured you that we searched for any additional files and documents, uncovered no additional documents responsive to the Subpoena, produced all non-privileged documents, and were in good faith compliance with the Subpoena. Nonetheless, yet again, you ask us to review our files and assure you of our compliance with the Subpoena. I stand by my prior correspondence to you on the matter and view your continued pursuit of the issue a violation of Rule 45(c)(1) of the Federal Rules of Civil Procedure. Moreover, in the future, do not "presume [I] have no objection" regarding your positions on issues related to LeClairRyan rights and its ethical duties owed to a former client.

Very truly yours,


Paul D. Drobbin

Encl.

cc: Peter K. Strojnik, Esq. (via e-mail)

² E.g., compare Dare's Counsel letter of January 4, 2012, addressed to me and Dare's December 30, 2011 Response in Opposition to Doc. 71, with your letter of January 3, 2012, addressed to me.

³ By "Court Order" I refer to a documented Court decision regarding the correspondence you filed with the Court on December 29, 2011 ("Doc. 71"), Dare's December 30, 2011 Response in Opposition to Doc. 71, and all other filings on the issue of waiver of the attorney-client privilege.

⁴ Mr. Galante is on vacation until January 20, 2012. Thereafter, I will endeavor to obtain dates from Mr. Galante.

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RE DARE INVESTMENTS, LLCPrivilege Log for Documents

#	Bates#	Date	Document Type	To	Cc	From/By	Content Description	Privilege Explanation
1.	DI002568 - DI002570	3/8/06	Correspondence	Richard D. McCloskey	George Pratt; Todd Galante; Bryan Petkanics	Kenneth Williams	Legal advice regarding Dare Investment, LLC	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
2.	DI002571- DI00273	3/8/06	Correspondence	Richard D. McCloskey	George Pratt; Todd Galante; Bryan Petkanics	Kenneth Williams	Copy of DI002568-70	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
3.	DI002574- DI002576	3/8/06	Correspondence	Richard D. McCloskey	George Pratt; Todd Galante; Bryan Petkanics	Kenneth Williams	Copy of DI002568-70	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
4.	DI002577- DI002579	3/8/06	Correspondence	Richard D. McCloskey	George Pratt; Todd Galante; Bryan Petkanics	Kenneth Williams	Copy of DI002568-70	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
5.	DI002580- DI002584	4/7/06	Correspondence	George Pratt		John J. Oberdorf	Updates on the perfection relating to SWJ Holdings, LLC and enclosing Membership Collateral Interest Certificates	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
6.	DI002585	3/30/06	E-Mail	John Oberdorf; Ken Williams	Michael Smith	Stanley Brenner	E-mail regarding UCC-1 filings	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.

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#	Bates#	Date	Document Type	To	Cc	From/By	Content Description	Privilege Explanation
7.	D1002586-D1002588	3/8/06	Correspondence	Richard D. McCloskey	George Pratt, Todd Galante, Bryan Petkanics	Kenneth Williams	Copy of D1002588-70	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
8.	D1002589	5/3/07	E-Mail	George Pratt		Carol Caravassi on behalf of Kenneth Williams	E-mail regarding May 2, 2007 Riker Danzig	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
9.	D1002590	4/19/07	E-Mail	Carol Caravassi		Geri Murray	E-mail regarding Horizon Title Agency policy	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
10.	D1002591	4/7/06	E-Mail	Jill Bagnuolo		Charles E. Dropkin	E-mail regarding Dare loan documents	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
11.	D1002592	4/7/06	E-Mail	Charles E. Dropkin		Jill Bagnuolo	E-mail regarding Dare loan documents	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
12.	D1002593-D1002595	4/19/07	E-Mails	Geri Murray		Carol C. Caravassi	E-mails regarding title policy	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
13.	D1002596-D1002600	1/26/07	E-Mail	Kenneth Williams, John Oberdorf		Bryan Petkanics	Internal mail regarding attorneys fees and Chapter 7 documents	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.

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#	Bates#	Date	Document Type	To	Cc	From/By	Content Description	Privilege Explanation
14	DI002601- DI002602	12/18/06	E-Mail	Rick McCloskey, Rick Knuth, George Pratt	Kenneth Williams, John J. Oberdorf, Todd Galante	Bryan Petkanics	E-mail regarding client litigation instructions	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
15	DI002610	8/8/06	E-Mail	Kenneth Williams		Stanley Brenner	Internal e-mail regarding Dough Land Mortgage	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
16	DI002611	8/8/06	E-Mail	Kenneth Williams		Stanley Brenner	Internal mail regarding collateral assignment	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
17	DI002614	3/24/06	E-Mail	Rick McCloskey	Rick Knuth, Kenneth Williams, John J. Oberdorf, George Pratt	Bryan Petkanics	E-mail re legal representation	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
18	DI002615- DI002616	3/6/06	E-Mail	Kenneth Williams		Rick McCloskey	E-mail re creditors lawyers' meeting with date	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
19	DI002617	3/15/06	Resume	N/A		N/A	Paralegal resume	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
20	DI002618- DI002620	2/24/06	Correspondence	Richard D. McCloskey		Bryan G. Petkanics	Engagement letter	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.

#	Bates#	Date	Document Type	To	Cc	From/By	Content Description	Privilege Explanation
21	DI002621	3/9/06	E-Mail	Rick Knuth; McCloskey, John J. Oberdorf		George Pratt	E-mail regarding Sale Order	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
22	DI002622	3/8/06	E-Mail	John J. Oberdorf	Rick Knuth	George Pratt	Contact information	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
23	DI002623	3/8/06	E-Mail	John J. Oberdorf		Kenneth Williams	Internal e-mail regarding closing	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
24	DI002624- DI002626	3/8/06	E-Mail	Richard D. McCloskey	George Pratt; Todd Galante; Bryan Petkanics	Kenneth Williams	Copy of DI002568-70	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
25	DI002627	3/8/06	E-Mail	George Pratt; Todd Galante; Bryan Petkanics		Kenneth Williams	E-mail encl. letter dated 3/8/06	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
26	DI002628	3/8/06	E-Mail	Carol C. Caravassi		Kenneth Williams	Internal e-mail regarding legal research	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
27	DI002629- DI002631	3/7/06	Correspondence (Not sent)	Hon. Alan H.W. Shiff		George Pratt	Unsent letter	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.

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#	Bates#	Date	Document Type	To	Cc	From/By	Content Description	Privilege Explanation
28	DI002632	3/8/06	E-Mail	Rick Knuth; Kenneth Williams		George Pratt	E-mail regarding pending sale approval	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
29	DI002633	3/7/06	E-Mail	Todd Galante		Kenneth Williams	Internal e-mail on conference call	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
30	DI002634- DI002636	3/6/06	E-Mail	Kenneth Williams	George Pratt; R. Knuth	Rick McCloskey	E-mail regarding the deal	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
31	DI002638	3/7/06	E-Mail	George Pratt	Richard McCloskey	Kenneth Williams	Letter regarding Vermont bankruptcy proceeding documents	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
32	DI002639	3/4/06	E-Mail	Williams Kenneth	Rick Knuth; Rick McCloskey	George Pratt	E-mail regarding documents to verify Mocco claims	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
33	DI002640	3/2/06	E-Mail	George Pratt, Kenneth Williams	Todd Galante; Isabel E. Moreno	Todd Galante	E-mail notes on court appearance	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
34	DI002641	2/27/06	E-Mail	Peter Ackourey; Dale Schreiber; Robert Grossman; Hunter Carter; Gerald Mitchell; Heidi Sorvino; George Pratt, GW	Alan Brody	Louis DeLucia	E-mail information regarding 2/27/06 conference call	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.

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#	Bates#	Date	Document Type	To	Cc	From/By	Content Description	Privilege Explanation
				Duval				
35	D1002642	2/27/06	E-Mail	Kenneth Williams	Kenneth Williams	George Pratt	E-mail regarding 2/27/06 conference call	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
36	D1002644-D1002645	2/22/06	E-Mail	Carol C. Caravassi		Kenneth Williams	Internal e-mail regarding documents	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
37	D1002646-D1002647	2/14/06	E-Mail	Gordon Duval; Rick Knuth	Debbie Worpell	Dale Schreiber	E-mail regarding EMP claim	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.
38	D1002648	2/24/06	E-Mail	Kenneth Williams; Todd Galante	Rick Knuth, Rick McCloskey	George Pratt	E-mail responding to Williams' question regarding foreclosure and EMP loan	Document withheld. Document contains information and/or communications that are protected by the attorney-client privilege, the work product doctrine and/or were prepared in anticipation of litigation.